

MAR 13 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

FREDERICK W. LAYNE,  
Petitioner,

v.

TRACEY RAY,  
Respondent.

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Civil Action No. 7:07-cv-00558

**FINAL ORDER**

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

**ADJUDGED AND ORDERED**

that the motion to dismiss is **GRANTED**; the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice for failure to exhaust state court remedies, and this action is stricken from the active docket of the court.

**ENTER:** This 13<sup>th</sup> day of March, 2008.

*James C. Turk*  
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Senior United States District Judge